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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/527,717
Filing Date: March 17, 2000
Appellant(s): HAHN-CARLSON, DEAN

Robert J. Crawford
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10/15/2007 appealing from the Office action
mailed 03/15/2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on 05/14/2007 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

U.S. Pat. No. 5,770,844 Henn, Horst 06/1998

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 13 and 16-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Henn (U.S. Patent No. 5,770,844).

As per claims 13 and 16-27 Henn teach for transaction processing involving transaction information related to services provided from a vendor and one of plurality of subvendors and processed by one of a plurality of subvendor controlled merchant-offering providers, a method for validating a service transaction for auditing comprising: generating transaction information prior to processing by subvendor, providing an authorized profile list criterion that includes information about authorized users empowered to authorize payment by the vendor; and using a computer arrangement, maintaining data relating to the authorized profile list criterion and processing the transaction information by determining whether the transaction information satisfies the authorized profile list criterion, and by using the authorized profile list criterion to generate information for auditing a transaction between said one of a plurality of vendors and said one of a plurality of merchant-offering providers (*see summary of the invention, column 2 lines 40- column 5 line 54*).

(10) Response to Argument

a. As per Applicant's arguments filed on 10/15/2007 (Appeal/Brief), Applicant argues that the cited reference Henn is completely unrelated to Applicant's claimed invention as a whole and provides no disclosure that describes a processing environment **involving buyers that purchases goods from vendors**. However, the Examiner respectfully disagrees with this assertion since **claim 1, for example, recites a transaction validation system for auditing, the transaction comprising: involving buyers that purchase goods from vendors**. The Henn reference discloses a transaction **audit** system comprising: chip card for completing a transaction between **the holder of the chip (or buyers)** and a transaction partner such as a **merchant (or vendors)**. Therefore, both teachings are equal.

b. Applicant further argues that the prior art fails to teach the corresponding limitation in the claim particularly the concept of auditing a transaction and validating transaction involving vendor and subvendor.... Examiner respectfully disagrees with Applicant characterization of the prior art. Henn's disclosure teaches among other thing a system in which to order to audit for accurate settlement of the transaction in accordance with the instant invention, the transaction provider transfers a transaction provider data record, which also includes the respective transaction identifier, to the third party. The transaction provider data record may also have other data which helps in the audit of the transaction such as data which directly or indirectly identify the

transaction provider, or more detailed data related to the transaction. The transaction identifier again serves to identify the transaction. In analogy with the transaction receiver data record, the transaction provider data record may be identical with the transaction identifier, if the transaction identifier itself enables auditing of the transaction.

c. Applicant continues to argue that the examiner has failed to show how Henn's buyer-based computer chip card purchases would correspond to vendor-based payment for services provided to a third party buyer. As indicated above, the cited reference Henn discloses a transaction audit system for completing a transaction between a holder and a transaction partner such as a merchant (or vendor). For completing execution of the transaction by posting of the payment amount to the merchant's account, the transaction audit transmits a transaction receiver data record comprising the transaction identifier, and further data, if required, to a third party. To allow auditing the transaction settlement posting accuracy, the transaction provider also transmits a transaction provider data record comprising the corresponding transaction identifier to the third party. Therefore, the vendor-based payment for services of Applicant's claimed invention corresponds to the inventive concept of Henn (see., Henn fig 2, col 2, lines 1-67, col 6, lines 44-67, col 7, lines 1-29, abstract).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Pierre Eddy Elsca/
Primary Examiner

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